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DATE: May 14, 2002
TO: U.S. Patent and Trademark Office
ATTN.: Ms. Crystal Jeter
FACSIMILE NO.: 703-305-6384
FROM: Brian G. Bembenick, Esq.
RE: Our Docket No. CLW 2 0147
Serial No. 09/977,406
TOTAL PAGES: 3 (including cover sheet)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Seema Garde, et al.
For : PHARMACEUTICAL
PREPARATIONS AND METHODS
FOR INHIBITING TUMORS
Serial No. : 09/977,406
Filed : October 15, 2001
Art Unit : 1615
Attorney Docket No. : CLW 2 0147

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**REQUEST FOR RECONSIDERATION OF
DETERMINATION THAT THE APPLICATION CONTAINS
NUCLEAR OR ATOMIC SUBJECT MATTER
AS RECITED IN 42 U.S.C. §2182**

Assistant Commissioner of Patents
Attn: Licensing and Review
Washington, D.C. 20231

Dear Assistant Commissioner:

This is a request to reconsider the determination that the subject matter of the present application appears to be "useful in the production or utilization of special nuclear material or atomic energy " as recited in 42 U.S.C. §2182.

In accordance with the above, applicants submit that the subject matter of the U.S. 09/977,406 application is related solely to pharmaceutical compositions and their use in the treatment of cancer.

Applicants further submit that the subject matter of the U.S. 09/977,406 application is not related, in any way, to atomic energy or producing or utilizing nuclear materials for energy.

Applicants finally submit that the [³H] - thymidine assay is not part of the claimed invention.

In view of the above, Applicants believe that the subject matter of the present application is not the type that falls under the description recited in 42 U.S.C. §2182. As such, reconsideration and withdrawal of the requirement to verify the facts concerning the development of the invention is respectfully requested.

Please feel free to contact the undersigned if any questions or concerns arise regarding this matter.

Respectfully submitted,

FAY, SHARPE, FAGAN
MINNICH & McKEE, LLP



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